

Data Entry

RSA-227 - Annual Client Assistance Program (CAP) Report

State: Indiana

Fiscal Year: 2010

Designated Agency Identification

Name: Indiana Protection and Advocacy Services

Address: 4701 N. Keystone Ave.

Suite 222

City: Indianapolis, IN

State: Indiana

Zip Code: 46205

E-mail Address: sbeecher@ipas.in.gov

Website Address: <http://www.in.gov/ipas>

Phone: 317-722-5555

TTY : 317-722-5563

Toll-free Phone: 1-800-622-4845

Toll-free TTY: 1-800-838-1131

Fax: 317-722-5564

Operating Agency (if different from Designated Agency)

Name: Address: City: Indiana

State: Zip Code: E-mail Address:

Website Address: Phone: TTY:

Toll-free Phone: Toll-free TTY: Fax:

Additional Information

Name of CAP Sue Beecher

Director/Coordinator: Person to contact regarding report: Sue Beecher

Contact Person Phone: 317-722-5555

Part I. Agency Workload Data

A. Information and Referral Services (I&R)

Multiple responses are not permitted.	151
1. Information regarding the Rehabilitation Act	0
2. Information regarding Title I of the ADA	44
3. Other information provided	195
4. Total I&R services provided (Lines A1+A2+A3)	5,757
5. Individuals attending trainings by CAP staff (approximate)	

B. Individuals served

An individual is counted only once during a fiscal year. Multiple counts are not permitted for Lines B1-B3.	29
1. Individuals who are still being served as of October 1 (carryover from prior year)	89
2. Additional individuals who were served during the year	118
3. Total individuals served (Lines B1+B2)	0
4. Individuals (from Line B3) who had multiple case files opened/closed this year. (In unusual situations, an individual may have more than one case file opened/closed during a fiscal year. This number is not added to the total in Line B3 above.)	

C. Individual still being served as of September 30

Carryover to next year. This total may not exceed Line I.B3.	14
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D. Reasons for closing individuals' case files

Choose one primary reason for closing each case file. There may be more case files than the total number of individuals served to account for those unusual situations, referred to in Line I.B4, when an individual had multiple case files closed during the year.	
1. All issues resolved in individual's favor	33
2. Some issues resolved in individual's favor (when there are multiple issues)	16
3. CAP determines VR agency position/decision was appropriate for the individual	27
4. Individual's case lacks legal merit; (inappropriate for CAP intervention)	1
5. Individual chose alternative representation	0
6. Individual decided not to pursue resolution	18
7. Appeals were unsuccessful	0
8. CAP services not needed due to individual's death, relocation, etc.	0
9. Individual refused to cooperate with CAP	6
10. CAP unable to take case due to lack of resources	0
11. Other (please explain) Technical assistance provided to enable client to self-advocate - 3	

E. Results achieved for individuals

1. Controlling law/policy explained to individual	61
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2. Application for services completed.	0
3. Eligibility determination expedited	1
4. Individual participated in evaluation	3
5. IPE developed/implemented	27
6. Communication re-established between individual and other party	6
7. Individual assigned to new counselor/office	1
8. Alternative resources identified for individual	2
9. ADA/504/EEO/OCR/ complaint made	0
10. Other (Enter the number)	3
Please explain what 'Other' means.	Problem resolved early in case (i.e., without CAP intervention) - 1 No result due to clients' lack of cooperation - 2

Part II. Program Data

A. Age

As of the beginning of the fiscal year. Multiple responses are not permitted.	15
1. 21 and under	34
2. 22 - 40	65
3. 41 - 64	4
4. 65 and over	118
5. Total (Sum of Lines A1 through A4. Total must equal Line I.B3.)	

B. Gender

Multiple responses not permitted.	59
1. Females	59
2. Males	118
3. Total (Sum of Lines B1 and B2. Total must equal Line I.B3.)	

C. Race/ethnicity

1. American Indian or Alaskan Native	0
2. Asian	0
3. Native Hawaiian or Other Pacific Islander	0
4. Black or African American	37
5. Hispanic or Latino	0
6. White	80
7. Race/ethnicity unknown	1

D. Primary disabling condition of individuals served

Multiple responses not permitted.	5
1. Blindness (both eyes)	5
2. Other visual impairments	7
3. Deafness	13
4. Hard of hearing	1
5. Deaf-blind	23
6. Orthopedic impairments	0
7. Absense of extremities	23
8. Mental illness	1
9. Substance abuse (alcohol or drugs)	2
10. Mental retardation	17
11. Specific learning disabilities (SLD)	12
12. Neurological disorders	0
13. Respiratory disorders	1
14. Heart and other circulatory conditions	1
15. Digestive disorders	0
16. Genitourinary conditions	1
17. Speech Impairments	0
18. AIDS/HIV positive	2
19. Traumatic brain injury (TBI)	4
20. All other disabilities	0
21. Disabilities not known	118
22. Total (Sum of Lines D1 through D21. Total must equal Line I. B3.)	

E. Types of individuals served

Multiple responses permitted.	33
1. Applicants of VR Program	83
2. Clients of VR Program	2
3. Applicants or clients of IL Program	0
4. Applicants or clients of other programs and projects funded under the Act	

F. Source of individual's concern

Multiple responses permitted.	111
1. VR agency only	2
2. Other Rehabilitation Act sources only	5
3. Both VR agency and other Rehabilitation Act sources	0
4. Employer	

G. Problem areas

Multiple responses permitted.	1
1. Individual requests information	8
2. Communication problems between individual and counselor	81
3. Conflict about services to be provided	25
4. Related to application/eligibility process	3
5. Related to IPE development/implementation	0
6. Other Rehabilitation Act-related problems	0
7. Non-Rehabilitation Act related	0
8. Related to Title I of the ADA	0

H. Types of CAP services provided

Choose one primary CAP service provided for each case file/service record.	3
1. Information/referral	79
2. Advisory/interpretational	18
3. Negotiation	0
4. Administrative/informal review	0
5. Alternative dispute resolution	4
6. Formal appeal/fair hearing	0
7. Legal remedy	0
8. Transportation	0

Part III. Narrative

Narrative

Refer to pages 16-19 of the instructions for guidelines on the contents of the narrative. a) Type of agency used to administer cap: Identify the type of agency used to administer the cap and type of agency operating the CAP, if different.

Indiana Protection and Advocacy Services is an external protection and advocacy agency.

b) Sources of funds expended: Specify the total expenditures of funds used in providing services to CAP-eligible individuals according to the source of funding. Provide this information even if the agency's only source of funding is the Federal formula grant. The following chart is recommended:

Source of funding Total expenditures spent on individuals

Federal funds \$217,335

State funds -0-

All other funds -0-

Total from all sources \$217,335

c) Budget for current and following fiscal years: Be sure to outline the budget for the current and subsequent years. This item should include a breakdown of dollars expended/allotted for administrative costs (e.g. salaries for personnel, equipment, etc.) and services to individuals and other expenses (e.g. training staff, travel, etc.) The following chart is recommended:

Category	Current Fiscal Year	Next Fiscal Year
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Wages/salaries	\$153,380	\$138,388
Fringe benefits (FICA, unemployment, etc.)	\$59,669	\$46,129
Materials/Supplies	\$10,555	\$10,555
Contracts/Leases	\$4,970	\$4,970
Travel	\$9,570	\$9,570
Equipment Rental/Purchase	\$904	\$904
Indirect costs not yet paid for in 2010	\$0	\$0
Utilities	\$739	\$739
Telecom/state charges	\$6,080	\$6,080
Total Budget	\$245,867	\$217,335

d. Number of person-years: "Person years" refers to the actual time that positions (both professional and clerical) were filled during the period covered by this annual report. If a position was filled throughout the year, it counts as one person-year. Positions filled for any fraction of the fiscal year should be expressed in "full-time equivalents." Person years should be reported for all CAP personnel whose salaries are paid totally or partially by Section 112 funds. Identify the number of person-years staffing for CAP this fiscal year. Be sure to include an explanation of the number of full-time, part-time, and vacant positions. Enter the full-time equivalent for all part-time positions. The following chart is recommended:

Type of position	Full-time equivalent	%of year position filled	Person years
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Professional Full-time	2.5	100%	2.5
Part-time	N/A		
Vacant	N/A		
Clerical Full-time	.5	100%	.5
Part-time	N/A		
Vacant	N/A		

e. Summary of presentations and/or exhibits made:

Indiana CAP staff continue to focus outreach efforts on transition aged students, Social Security beneficiaries in segregated work settings, and individuals with sensory disabilities. Staff were present at sixteen transition fairs in the past twelve months providing information and training to 2,397 students, parents, and educators. Outreach occurred in eighteen segregated workshop settings where 672 individuals received information regarding their rights under Indiana Vocational Rehabilitation Services, CAP, and Ticket to Work program.

CAP OUTREACH

(FY from 10/1/2009 through 9/30/2010)

DATE Event # in attendance

10/1/09 ARC of Indiana Conference 550
10/13/09 Danville Transition Fair 50
10/14/09 WISE Event - Southern IN 15
10/20/09 Transition Partners of Northeast IN 250
10/21/09 Muncie Schools Transition Fair 200
10/21/09 WISE Event - Jasper 25
10/21/09 Marion VRS Office 6
10/23/09 Bartholomew Co. Transition Fair 250
10/30/09 Hear Indiana Conference 75
11/4/09 Dunn Mental Health Center 60
11/6/09 WISE Event - Indianapolis 20
11/16/09 Governor's Planning Conference 350
11/19/09 Lafayette Transition Fair 100
12/3/09 WISE Event - Indianapolis 16
12/9/09 IN-APSE 225
12/16/09 WISE Event - Indianapolis 40
2/25/10 WISE Event - Washington 16
3/2/10 Johnson County Transition Fair 160
3/4/10 Warren Central Transition Fair 300
3/4/10 **Wabash Valley Self Advocates 20
3/5/10 Lake County Transition Fair 350
3/16/10 Morgan County Transition Fair 50
3/18/10 Hamilton Boone Madison Transition Fair 200
3/18/10 **Normal Life Self Advocate 45
3/19/10 **Noble AKTION Club 15
3/19/10 **Noble East Self Advocates (east site) 35
3/20/10 Brain Injury Association of Indiana "Spring Fling"
Caregivers' Conference 50
3/22/10 **Options for Better Living Self Advocates 13
3/22/10 WISE Event - New Albany 20
3/22/10 WISE Event - Monroe County 30
3/23/10 **Noble Self Advocates (northeast site) 25
3/24/10 **Noble Self Advocates (Carmel) 13
3/24/10 **Bosma Enterprise Production 30
3/24/10 **Bosma Rehabilitation 15
3/25/10 **Shares, Inc. 45
3/25/10 **Shares, Inc. 45
3/24/10 Warren Central Job Fair 200
3/31/10 Low Vision Expo 200
4/1/10 Grant County Disability Resource Fair 25
4/5/10 Rehab. Hospital of Ind. Support Group 10
4/8/10 WISE Event - Ft. Wayne 32
4/8/10 **Carey Services 60
4/12/10 National Federation for the Blind 35
4/12/10 **Sandstone Industries (Jefferson Co.) 50
4/16/10 **Shares (Rushville site) 50
4/17/10 American Council for the Blind 15
4/20/10 Monroe-Owen Transition Fair 75
4/20/10 PATINS Conference 300

4/22/10 **Allen County Self Advocates 58
4/22/10 **Alliance Industries (DeKalb County) 30
4/29/10 Pike High School Transition Fair 12
5/5/10 WISE Event – Indianapolis 30
5/6/10 Seymour Transition Fair 100
5/6/10 Scott County Transition Fair 100
6/9/10 WISE Event – Marion 14
6/16/10 WISE Event - Madison 25
6/18/10 IPMG (waiver case managers) 80
7/14/10 WISE Event – Terre Haute 10
7/15/10 WISE Event – Ft. Wayne 24
7/22/10 WISE Event – Indianapolis 60
7/28/10 WISE Event – Jasper 15
8/5/10 WISE Event – French Lick 25
8/19/10 WISE Event - Indianapolis 55
9/10/10 WISE Event - Lawrenceburg 20
9/10/10 Key Consumer Conference 200
9/13/10 **Shares 78
9/17/10 Southern Ind. Center for Ind. Living 15
9/29/10 **Shares 45

68 events total with 5,757 in attendance

** All or a large portion of the audience trained participate in sheltered workshop or pre-vocational programs.

In addition to the aforementioned presentations and exhibits, the Indiana Client Assistance Program also disseminated the following numbers of informational brochures and newsletters:

CAP brochures (English, Spanish, and Braille) 2,353
IMPACT newsletter 2,115
Agency wide brochures and booklets 2,602
Toll free resource guide 1,453
Disability rights and appeals guide 750
Transition brochures specific to a school corporation 7,000

f. Involvement with advisory boards

The CAP Coordinator continues to serve as the Chairperson of the Policy and Procedure Subcommittee for the Indiana Commission on Rehabilitation Services. As part of that responsibility forty-seven "draft" policies and appendixes contained within the Indiana Vocational Rehabilitation Services (VR) Policy and Procedure Manual (PPM) were reviewed in March of 2010. Of primary concern was PPM 320 "Mediation and Appeals Provision." This policy failed to allow for a client to simply request an appeal within fifteen business days of a decision and receive appeal paperwork. Indiana VR had inserted a supposedly "voluntary" process of "Informal Supervisory Review" into the policy making it appear mandatory and usurping the simple process of requesting an appeal. To highlight this process, VR developed a flow sheet which completely negated the simple request for a hearing and required the process of the "Informal Supervisory Review." This incorrect flow sheet then appeared throughout the policy and procedure manual. CAP recommended that VR document a clear process for the client who does not wish to participate in an "Informal Supervisory Review" process. Further several of these policies and procedures placed prohibitions on services such as the purchase and repair of motor vehicles, receipt of more than one home modification on any given room of the house, routine dental and medical care, and assistive technology devices such as hearings aids, wheelchair batteries, or stump socks. These prohibitions are in direct violation of the

Federal Rehabilitation Act of 1973, as amended, as well as the results of a recent monitoring review completed in March of 2010 by the Rehabilitation Services Administration. Other issues of concern included: legitimate reasons to close client cases; confidentiality of records; criteria for provision of hearing aids; the eligibility process versus choice of services for individuals requesting hearing aids; the definition of "physical presence" within the state of Indiana; access to records by consumers; limits set on the provision of vehicle modifications; and the manner in which any client is informed of his/her right to contact CAP under the results-based funding process. All comments and recommendations were forwarded to the VR Director for consideration of inclusion into the PPM prior to actual implementation of these policies and procedures.

g. Outreach to unserved/underserved populations

Indiana CAP provided outreach activities focused on transition aged students, their parents or guardians, and educators by participating in sixteen transition fairs state-wide and providing outreach information to 2,397 individuals.

CAP also focused outreach efforts in segregated work settings including sheltered workshops, by completing eighteen presentations with 672 individuals in attendance.

Outreach was also provided via six presentations to groups of individuals with sensory deficits providing information to 370 individuals.

h. Alternative dispute resolution

Although statistics for the year reflect 18 cases resolved via "alternative dispute resolution" or "negotiation" there were 10 additional cases involving requests for formal mediation or administrative hearings which the Client Assistance Program (CAP) settled with Indiana Vocational Rehabilitation Services (VR) via informal methods. In keeping with the CAP grant requirements to utilize the lowest level of intervention first, Indiana CAP was able to divert 28 individuals from having to move forward via an administrative hearing process to resolve their issues. The CAP program always seeks to exhaust all less formal methods of resolution in relationship to any client's issue with VR and other associated projects under the Federal Rehabilitation Act of 1973, as amended. The CAP advocates thoroughly research alleged rights violations and can provide VR with information from either the law or policies that support the position of both CAP and the client. CAP always provides information during this process to the client on his or her rights under the VR process.

i. Systemic advocacy

IPAS began collecting consumer satisfaction information from individuals who had received information and referral services under the CAP program. Intake Advocates completed follow up phone calls to selected individuals to determine their level of satisfaction. Twelve individuals receiving assistance regarding the CAP program were contacted and asked three questions. The questions and responses are listed below.

CAP Service Request Count: 12

1. Was the information provided by the Intake Advocate useful?

True. Service Request Count: 12

2. If yes do you have additional questions?

Service Request Count: 5

Client has decided to appeal the denial of VRS financial assistance with pre-surgery evaluation and wants CAP representation.

She contacted her VR counselor to request a computer and programming assistance but was told that they could not help. Intake discussed the VR appeal process with her. She will call again if she decides to appeal the

denial.

No, not currently able to work.

She has not made contact with VR counselor yet to make her request.

The client had decided not to pursue the appeal process.

He may reconsider and reapply.

3. Would you call CAP again?

True. Service Request Count: 12

j. Interesting cases

Case #1

"Cindy" contacted Indiana Protection and Advocacy Services (IPAS) after Indiana Vocational Rehabilitation Services (VR) refused to support her chosen vocational goal of obtaining a post-secondary degree from Ivy Tech to allow her to work as a special education teacher. IPAS encouraged Cindy to appeal this denial of services by making contact with VR and she did so. IPAS determined that a psychologist who was hired by VR had completed a psychological evaluation on Cindy and recommended she participate in "sheltered work." This same evaluation contained many inaccuracies regarding the client's identified disability and documented educational abilities. Cindy's school records, which VR failed to obtain and provide to the psychologist, documented that she had made substantial improvement in her reading and mathematics skills during the last two years of high school and, her educational interdisciplinary team felt strongly that she could succeed in obtaining a post-secondary degree. The refusal of VR to support this goal was based solely on the results of the psychological evaluation. IPAS insisted that VR obtain, review, and consider the client's educational records in regards to her chosen vocational goal. IPAS also advocated for VR to complete a second psychological evaluation incorporating Cindy's educational achievement into the results and recommendations. VR refused to pay for a second evaluation and the client was encouraged to file an appeal in regards to this denial. IPAS also encouraged Cindy to submit an application to Ivy Tech as another means by which to possibly gain the support of VR in her request for a post-secondary degree. She did so and was accepted based upon her vastly improved high school academic performance and achievement.

After lengthy discussions, VR conceded that the psychological evaluation obtained by the agency was neither an accurate nor adequate reflection of Cindy's current abilities and strengths. As a result, IPAS convinced VR to support the client's chosen vocational goal of obtaining a teaching degree. The administrative hearing was cancelled as it was no longer needed to resolve the identified issues and Cindy began her studies at Ivy Tech.

Case #2

"Paul" contacted Indiana Protection and Advocacy Services (IPAS) in January of 2010 requesting assistance with an administrative appeal of an ineligibility decision rendered by Indiana Vocational Rehabilitation Services (VR). VR had found Paul ineligible based upon his request for hearing aids. IPAS reviewed Paul's VR file and determined that testing showed he had experienced additional hearing loss since his last evaluation which had occurred more than ten years ago and as a result he required hearing aids to effectively complete his job as a small engine repairman.

The IPAS advocate determined that based upon her fact finding, the VR decision of ineligibility for Paul was arbitrary. The VR policy guidelines had led the VR Counselor to conclude, based upon services requested versus the disability, that Paul did not have a substantial impediment to employment. IPAS determined that the VR policy guidelines were not in keeping with the Federal Rehabilitation Act. Specifically VR policy PPM 421.20 stipulated that a person's Pure Tone Average (PTA) scores will determine "substantial impediment." IPAS agreed to represent Paul at his administrative hearing. In his decision the hearing officer agreed that there was vocational relevance in Paul's request for VR services because "the hearing loss itself renders the individual unable to perform specifically identified essential job functions of a planned employment

outcome."

On April 16, 2010 Paul met with a VR Counselor and was deemed eligible for services. An individual plan of employment was developed and Paul was provided with bilateral hearing aids to allow him to maintain his employment.

Case #3

'Rick' is a fifty-eight year old individual with a disability and a history of working in factories and manufacturing during his younger years. His work history had been interrupted as his parents aged and he remained in the family home to care for them. Both of Rick's parents passed away and he applied for services through Indiana Vocational Rehabilitation Services (VR) in 2008 as he wanted to once again be employed. VR processed an application and found him eligible for services but then failed to maintain contact with Rick. When he was able to reestablish contact with VR, a secretary informed him that his VR Counselor did not wish to speak to him and his case was being closed. Although Rick requested paperwork to appeal the case closure decision this was not provided to him. He contacted Indiana Protection and Advocacy Services (IPAS) in May of 2009 after VR had failed to contact him for over nine months. A service request was opened on Rick's behalf and the fact finding process was initiated. IPAS determined that VR had provided Rick with some work evaluation experiences but had failed to take into account the fact that he had severely arthritic knees and could not tolerate activities that required frequent bending and lifting. Further fact finding revealed that Rick had not succeeded at other work evaluations because he had cursed at job coaches and co-workers. Although Rick's VR Counselor had noted that he needed psychiatric and medical evaluations to identify all barriers to employment, these evaluations had not been completed as needed. Further although the VR Counselor had also recommended a neuropsychological evaluation this also had not been completed. IPAS spoke with the VR Counselor and convinced him to complete the needed assessments. The neuropsychological evaluation was completed and recommended that Rick receive needed supports and services in the home as many voids had been left by the death of his parents. Completion of the medical and psychiatric evaluations revealed that Rick would benefit greatly from counseling and possible medication administration to assist with anxiety and adjustment issues. Further it was determined that Rick would need bilateral knee replacement surgeries in the near future. These surgeries were completed in December of 2009 and he was released from the doctor's care without any restrictions. The completed evaluations also recommended that Rick participate in part-time repetitive low stress employment such as control desk, collating, utility work, assembling, or light stocking. Based on the strengths, interests, capabilities, weaknesses, and barriers identified in the completed assessments, the VR Counselor and Rick were able to develop an individual plan of employment in late January of 2010 that contained the needed supports and services including: VR guidance and counseling; job placement services; work experience or on-the-job training; uniform or interview clothing; and transportation; which would allow him to meet his chosen employment goal.

Case #4

"Cathy" is a twenty-one year old individual who was working on obtaining a post-secondary degree in computer programming. Cathy contacted Indiana Protection and Advocacy Services (IPAS) in June 2009 due to a disagreement over services to be provided to her by Indiana Vocational Rehabilitation Services (VR). Cathy had an individual plan of employment (IPE) developed in September of 2009 which contained the following vocational services: computer programming training tuition and fees; books and supplies; and psychological counseling. Psychological testing completed by VR revealed that Cathy frequently had difficulty in working with others, lost her temper easily, and had difficulty in focusing. Her identified vocational goal was to complete a computer programming degree at Ivy Tech by the end of 2010. Cathy wanted VR to provide her with a home computer to allow her to work more comfortably without the distractions of other students. VR denied her request based on the fact that computer labs were available to her at school and other locations throughout the community. However Cathy was taking all of her courses on line, had child care duties, and lived far from all of those locations recommended to her which would lead to excessive transportation costs. Cathy told VR that her disability made it difficult for her to work in a computer lab and she was finding it impossible to work in this environment at Ivy Tech. This was evidenced by the fact that she was struggling in several of her classes.

IPAS completed fact finding and found that a home computer was a requirement for Cathy to complete her IPE and achieve her vocational goal. Cathy could not afford to travel to and from Ivy Tech on a regular basis and the computer lab at the school was frequently busy during the times when she would be able to work there. Further she would have to procure child care for her young son and this would be costly as well. IPAS attempted to mediate a solution for Cathy but VR would not reverse its decision. IPAS then assisted Cathy with an administrative hearing which occurred on August 28 of 2009. The independent hearing officer found in Cathy's favor and VR was ordered on November 2 of 2009 to provide her with a computer for use at her home. With assistance from IPAS Cathy's IPE was amended and her VR Counselor obtained a computer for her to use at home.

k. On-line information/outreach

The IPAS website, www.in.gov/ipas received 63,425 hits during the past fiscal year. Secondary navigation areas and specific informational content continue to be developed to further refine and complete this agency website.

Approved

This Report is Complete and Correct. ? [Y/N]:

Yes

Date Signed:

11/18/2010

Name of Designated Agency Official:

Thomas Gallagher

Title of Designated Agency Official:

Executive Director

System information

The following information is captured by the MIS.

Last updated on Nov 18 2010 10:20AM

Last updated by painbeechers

Completed on Nov 18 2010 10:20AM

Completed by painbeechers

Approved on

Approved by

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